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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/704,196  | 10/31/2000  | Rico Mariani         | MS1-607US           | 3162             |
| 22801   | 7590        | 01/17/2006           | EXAMINER            |                  |
| LEE & HAYES PLLC<br>421 W RIVERSIDE AVENUE SUITE 500<br>SPOKANE, WA 99201 |             |                      | WANG, LIANG CHE A   |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2155                |                  |

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                     |                |
|------------------------------|---------------------|----------------|
| <b>Office Action Summary</b> | Application No.     | Applicant(s)   |
|                              | 09/704,196          | MARIANI ET AL. |
|                              | Examiner            | Art Unit       |
|                              | Liang-che Alex Wang | 2155           |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 December 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 and 14-16 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 and 14-16 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. Claims 1-11, 14-16 are presented for examination.
2. Claims 12-13, 17-45 are cancelled.
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/3/05 has been entered.

### ***The New Grounds of Rejection***

4. Applicant's amendment and argument with respect to claims 1-11, 14-16 on 12/8/05 have been fully considered but they are deemed to be moot in views of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5, 7-11, 14-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Helfman, US Patent Number 6,119,135, hereinafter Helfman.
7. Referring to claim 1, Helfman teaches a system (figure 3 system 18), comprising:
  - a. a plurality of web servers (web servers 22 ad 24, Col 3 lines 35-36) configured to return first content (webpage) to requesting client device (Clients 28 and 30, Col 3 lines 34-35)(Col 3 lines 50-53, client retrieves webpages from web servers);
  - b. wherein the returned content (web page) includes a reference (Col 1 lines 43-48, webpage contains URL to displayed image of the webpage) to second content (Col 1 lines 43-48, lines 64-67, second content are the images) from the central logging server (Col 1 lines 64-67, images are stored in cache 38);
  - c. wherein the central logging server logs request for the first content in response to requests for the second content (Col 1 line 67-Col 2 line 2, URL of the webpage is logged upon retrieval of the displayed webpage images).
8. Referring to claim 2, Helfman teaches a system as recited in claim 1, wherein the plurality of web servers, the central logging servers, and the plurality of requesting client devices are communicatively coupled via the Internet (figure 3 Internet 26, Col 3 lines 34-39).
9. Referring to claim 3, Helfman teaches a system as recited in claim 1, wherein the reference has embedded therein information identifying the first content (Col 2 lines 1-2, images are associated with webpage).
10. Referring to claim 4, Helfman teaches a system as recited in claim 1, wherein the central logging server logs information received in cookies accompanying the requests for the

second content (Col 2 lines 1-2, Col 3 lines 52-54, the logged URL to the images are retrieved from the webpage retrieved from the web server).

11. Referring to claim 5, Helfman teaches a system as recited in claim 1, wherein the reference comprises Hypertext Markup Language (HTML) tag (Col 1 lines 21-24, URL of the images embedded in an HTML webpage is using HTML tags).
12. Referring to claim 7, Helfman teaches a system as recited in claim 1, wherein the reference comprise references to one or more transparent graphic images (Col 2 lines 60-65, transparent image is a popular type of a image object).
13. Referring to claim 8, Helfman teaches a method comprising:
  - a. receiving requests for first content (Col 3 lines 50-53, client retrieves webpages from web servers); and
  - b. returning, in response to the requests, the requested first content (Col 3 lines 50-53, client retrieves webpages from web servers), wherein said first content includes a reference (Col 1 lines 43-48, webpage contains URL to displayed image of the webpage) to second content (Col 1 lines 43-48, lines 64-67, second content are the images) that causes information regarding the request for the first content to be logged at a remote logging server (Col 1 line 67-Col 2 line 2, URL of the webpage is logged upon retrieval of the displayed webpage images).
14. Referring to claim 9, Helfman teaches a method as recited in claim 8, wherein the references to the second content refer to content available from the remote logging server (Col 1 lines 64-67).

15. Referring to claim 10, Helfman teaches a method as recited in claim 8, wherein the second content comprises a transparent graphic images (Col 2 lines 60-65, transparent image is a popular type of a image object).
16. Referring to claim 11, Helfman teaches a method as recited in claim 8, wherein the second content comprises one or more graphic images (Col 1 lines 43-45, displayed web page image corresponds to the second content).
17. Referring to claim 14, Helfman teaches a system as recited in claim 8, wherein the reference comprises Hypertext Markup Language (HTML) tag (Col 1 lines 21-24, URL of the images embedded in an HTML webpage is using HTML tags).
18. Referring to claim 15, Helfman teaches a system as recited in claim 8, wherein the second content comprises a web page (URL corresponds to a web page Col 1 lines 43-45).
19. Referring to claim 16, claim 16 encompasses the same scope of the invention as that of the claim 8. Therefore, claim 16 is rejected for the same reason as the claim 8.

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
21. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helfman in views of Nguyen, US Patent Number 6,535,916, hereinafter Nguyen.

Halfman teaches a system comprising a plurality of web servers in claim 1 (refer to rejection in claim 1).

Halfman does not teach web server further logs request locally.

However, Nguyen teaches web server logs user requests locally (Col 3 lines 36-47.)

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the method of logging user request in a web server of Nguyen in Halfman because both Nguyen and Halfman teaches inventions regarding user requesting web page from web servers.

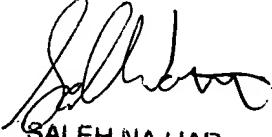
A person with ordinary skill in the art would have been motivated to make the modification to Halfman because having the web server logging request from users allow server to study the activities of Web site visitors as taught by Nguyen (Col 2 lines 41-43.)

### *Conclusion*

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (571)272-3992. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.
23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang   
January 12, 2006



SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER